

**From:** [Riedl, Daniel J. \(USAOHN\)](#)  
**To:** [Zeidenberg, Peter](#)  
**Cc:** [Deckert, Brian \(USAOHN\)](#); [Heath, Candina \(CRM\)](#); [Vora, Apeksha](#)  
**Subject:** RE: U.S. v. Davis Lu  
**Date:** Tuesday, May 6, 2025 12:27:03 PM

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Peter,

Thank you for the email. As you may be aware, the discovery in this case started pre-indictment, when we were attempting to negotiate a resolution and turned over several items of discovery without a formal request from defense. It is our recollection that the files containing Mr. Lu's emails were turned over during that time. FBI Special Agent Monica Hantz remembers copying the files to a USB thumb drive for the defense team. I'm endeavoring to search my archived emails, but our system for searching emails that old is cumbersome.

The discovery we provided post-indictment demonstrated that we received Mr. Lu's emails from Eaton on September 23, 2019. Specifically, GJ Serial 1 is a 302 memorializing the issuance of a subpoena to Eaton for Mr. Lu's emails. The subpoena itself was saved as GJ Serial 1A. GJ Serial 2 memorializes Eaton's compliance with that subpoena and the receipt of those emails. GJ Serial 2-1A2 is the cover sheet that accompanied the USB drive in the casefile. All of these Serials were provided in discovery on November 2, 2022.

In addition to discovery, on July 19, 2024, the Government produced the defense with marked trial exhibits, including Exhibit 13, which contained a selection of server disruption alerts from Mr. Lu's emails. Mr. Lu later used some of these emails from Government's Exhibit 13 to create slides 52-54 and 61 of his PowerPoint presentation, which was displayed during his direct examination. The Government memorialized this PowerPoint presentation as Government's Exhibit 40. The Government therefore had every reason to believe that Mr. Lu received the emails in discovery.

Hopefully, this assists you with locating the files. If you are still not able to locate them, please let me know and I will ask SA Hantz to prepare another USB drive. As always, please don't hesitate to contact me with any further questions.

Sincerely yours,  
Dan Riedl

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Daniel J. Riedl  
(o) 216-622-3669  
(m) 216-338-4883

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**From:** Zeidenberg, Peter <peter.zeidenberg@afslaw.com>  
**Sent:** Monday, May 5, 2025 12:30 PM  
**To:** Riedl, Daniel J. (USAOHN) <Daniel.Riedl@usdoj.gov>  
**Cc:** Deckert, Brian (USAOHN) <Brian.Deckert@usdoj.gov>; Heath, Candina (CRM) <Candina.Heath2@usdoj.gov>; Vora, Apeksha <apeksha.vora@afslaw.com>  
**Subject:** [EXTERNAL] RE: U.S. v. Davis Lu

Dan,

After extensive searching, neither we, nor prior counsel, can locate the files that relate to Ex. 13A.

- Can you please advise when the Government produced this material to the defense?
- Was it produced in response to any defense discovery request? If so, which one?
- How was this material produced to the defense? Was it on a USB, via USAfx, or some other method?
- Do you have any confirmation of delivery or download you can share with us?

Thanks,

Peter

**Peter Zeidenberg**PARTNER | **ARENTFOX SCHIFF LLP**[peter.zeidenberg@afslaw.com](mailto:peter.zeidenberg@afslaw.com) | DIRECT 202.857.6139

**From:** Riedl, Daniel J. (USAOHN) <[Daniel.Riedl@usdoj.gov](mailto:Daniel.Riedl@usdoj.gov)>  
**Sent:** Monday, April 28, 2025 1:42 PM  
**To:** Zeidenberg, Peter <[peter.zeidenberg@afslaw.com](mailto:peter.zeidenberg@afslaw.com)>  
**Cc:** Deckert, Brian (USAOHN) <[Brian.Deckert@usdoj.gov](mailto:Brian.Deckert@usdoj.gov)>; Heath, Candina (CRM) <[Candina.Heath2@usdoj.gov](mailto:Candina.Heath2@usdoj.gov)>; Vora, Apeksha <[apeksha.vora@afslaw.com](mailto:apeksha.vora@afslaw.com)>  
**Subject:** RE: U.S. v. Davis Lu

Peter,

Exhibit 22 was generated from data contained in the file named “ 3947.156751345.txt” from Serial 17 1A14 in the non-GJ portion of the FBI manifest.

Exhibit 13A was generated from emails contained in the FBI manifest as Serial 2 1A2 of the GJ portion of FBI manifest. The names of the files containing the emails are as follows:

USB Drive (E:) > DavisLu\_ExchangeEmail

	Name	Date modified	Type	Size
	DavisLu_ExchangeEmail.ad1	9/19/2019 10:43 AM	AD1 File	1,536,000 KB
	DavisLu_ExchangeEmail.ad1	9/19/2019 10:43 AM	Text Document	2 KB
	DavisLu_ExchangeEmail.ad2	9/19/2019 10:43 AM	AD2 File	1,536,000 KB
	DavisLu_ExchangeEmail.ad3	9/19/2019 10:43 AM	AD3 File	1,036,998 KB

There were many discovery disclosures in this case so I’m hopeful that you can find the above files by name in the materials you received from prior counsel. Note that we provided some discovery materials on a hard drive and via one or more wallet drives. Please let me know if you’re not able to locate the above files.

As always, don’t hesitate to contact me with any questions or concerns.

Sincerely yours,  
 Dan Riedl

Daniel J. Riedl  
 (o) 216-622-3669  
 (m) 216-338-4883

**From:** Zeidenberg, Peter <[peter.zeidenberg@afslaw.com](mailto:peter.zeidenberg@afslaw.com)>  
**Sent:** Friday, April 25, 2025 12:39 PM  
**To:** Riedl, Daniel J. (USAOHN) <[Daniel.Riedl@usdoj.gov](mailto:Daniel.Riedl@usdoj.gov)>  
**Cc:** Deckert, Brian (USAOHN) <[Brian.Deckert@usdoj.gov](mailto:Brian.Deckert@usdoj.gov)>; Heath, Candina (CRM) <[Candina.Heath2@usdoj.gov](mailto:Candina.Heath2@usdoj.gov)>; Vora, Apeksha <[apeksha.vora@afslaw.com](mailto:apeksha.vora@afslaw.com)>  
**Subject:** [EXTERNAL] RE: U.S. v. Davis Lu

Thanks, Dan. Yes, I have copies of these exhibits, thank you. My question relates to whether/when this information was provided to the defense. You indicate that that this information was provided in discovery – can you please disclose when/how this was provided, and in what format? Prior counsel has indicated that they cannot identify when or if this information was disclosed in discovery.

Thank you,  
Peter

**Peter Zeidenberg**

PARTNER | **ARENTFOX SCHIFF LLP**

[peter.zeidenberg@afslaw.com](mailto:peter.zeidenberg@afslaw.com) | DIRECT 202.857.6139

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**From:** Riedl, Daniel J. (USAOHN) <[Daniel.Riedl@usdoj.gov](mailto:Daniel.Riedl@usdoj.gov)>

**Sent:** Friday, April 25, 2025 9:01 AM

**To:** Zeidenberg, Peter <[peter.zeidenberg@afslaw.com](mailto:peter.zeidenberg@afslaw.com)>

**Cc:** Deckert, Brian (USAOHN) <[Brian.Deckert@usdoj.gov](mailto:Brian.Deckert@usdoj.gov)>; Heath, Candina (CRM) <[Candina.Heath2@usdoj.gov](mailto:Candina.Heath2@usdoj.gov)>; Vora, Apeksha <[apeksha.vora@afslaw.com](mailto:apeksha.vora@afslaw.com)>

**Subject:** RE: U.S. v. Davis Lu

Peter,

Attached, please find the email transmitting Government's exhibits 13A, 13B and 22 to prior defense counsel. These exhibits were created during trial to rebut specific statements Mr. Lu made during his direct testimony. The underlying data they summarize (Exhibit 13B) or were taken from (Exhibits 13A and 22) was provided in discovery. I think the underlying sources of data came out in SA Hantz' testimony, but let me know if you have specific questions about it.

Sincerely yours,  
Dan Riedl

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Daniel J. Riedl

(o) 216-622-3669

(m) 216-338-4883

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**From:** Zeidenberg, Peter <[peter.zeidenberg@afslaw.com](mailto:peter.zeidenberg@afslaw.com)>

**Sent:** Thursday, April 24, 2025 6:02 PM

**To:** Riedl, Daniel J. (USAOHN) <[Daniel.Riedl@usdoj.gov](mailto:Daniel.Riedl@usdoj.gov)>

**Cc:** Deckert, Brian (USAOHN) <[Brian.Deckert@usdoj.gov](mailto:Brian.Deckert@usdoj.gov)>; Heath, Candina (CRM) <[Candina.Heath2@usdoj.gov](mailto:Candina.Heath2@usdoj.gov)>; Vora, Apeksha <[apeksha.vora@afslaw.com](mailto:apeksha.vora@afslaw.com)>

**Subject:** [EXTERNAL] RE: U.S. v. Davis Lu

Dan,

Re-upping the below. To date, the prior defense team has not been able to locate these exhibits. If you believe the government did provide them, can you let us know why it is you believe that?

Thanks,  
Peter

**Peter Zeidenberg**

PARTNER | **ARENTFOX SCHIFF LLP**

[peter.zeidenberg@afslaw.com](mailto:peter.zeidenberg@afslaw.com) | DIRECT 202.857.6139

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**From:** Zeidenberg, Peter

**Sent:** Wednesday, April 23, 2025 11:44 AM

**To:** Riedl, Daniel J. (USAOHN) <[Daniel.Riedl@usdoj.gov](mailto:Daniel.Riedl@usdoj.gov)>

**Cc:** Deckert, Brian (USAOHN) <[Brian.Deckert@usdoj.gov](mailto:Brian.Deckert@usdoj.gov)>; Heath, Candina (CRM) <[Candina.Heath2@usdoj.gov](mailto:Candina.Heath2@usdoj.gov)>; Vora, Apeksha <[apeksha.vora@afslaw.com](mailto:apeksha.vora@afslaw.com)>

**Subject:** RE: U.S. v. Davis Lu

Dan,

We have a question about discovery – can you tell us if Govt Exhibits 13A and 22, which were introduced in the government’s rebuttal case, were provided to the defense in discovery? It appears there were some questions raised about this during a bench conference during the trial, and we have not been able to nail this down as yet. Is there a transmittal letter with these exhibits included?

Thank you,  
Peter

**Peter Zeidenberg**

PARTNER | **ARENTFOX SCHIFF LLP**

[peter.zeidenberg@afslaw.com](mailto:peter.zeidenberg@afslaw.com) | DIRECT 202.857.6139

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**From:** Riedl, Daniel J. (USAOHN) <[Daniel.Riedl@usdoj.gov](mailto:Daniel.Riedl@usdoj.gov)>

**Sent:** Tuesday, April 8, 2025 12:40 PM

**To:** Zeidenberg, Peter <[peter.zeidenberg@afslaw.com](mailto:peter.zeidenberg@afslaw.com)>

**Cc:** Deckert, Brian (USAOHN) <[Brian.Deckert@usdoj.gov](mailto:Brian.Deckert@usdoj.gov)>; Heath, Candina (CRM) <[Candina.Heath2@usdoj.gov](mailto:Candina.Heath2@usdoj.gov)>; Vora, Apeksha <[apeksha.vora@afslaw.com](mailto:apeksha.vora@afslaw.com)>

**Subject:** RE: U.S. v. Davis Lu

Peter,

Welcome to the Davis Lu matter. The government does not object to your proposed deadlines for post-trial motions. Please don’t hesitate to reach out anytime.

Best,  
Dan Riedl

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Daniel J. Riedl  
(o) 216-622-3669  
(m) 216-338-4883

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**From:** Zeidenberg, Peter <[peter.zeidenberg@afslaw.com](mailto:peter.zeidenberg@afslaw.com)>

**Sent:** Tuesday, April 8, 2025 11:45 AM

**To:** Riedl, Daniel J. (USAOHN) <[Daniel.Riedl@usdoj.gov](mailto:Daniel.Riedl@usdoj.gov)>

**Cc:** Deckert, Brian (USAOHN) <[Brian.Deckert@usdoj.gov](mailto:Brian.Deckert@usdoj.gov)>; Heath, Candina (CRM) <[Candina.Heath2@usdoj.gov](mailto:Candina.Heath2@usdoj.gov)>; Vora, Apeksha <[apeksha.vora@afslaw.com](mailto:apeksha.vora@afslaw.com)>

**Subject:** [EXTERNAL] Re: U.S. v. Davis Lu

Folks,

We’re planning on getting this on file later today. Please let us know if you have any objections.

thanks,  
Peter

**Peter Zeidenberg**

PARTNER | **ARENTFOX SCHIFF LLP**

[peter.zeidenberg@afslaw.com](mailto:peter.zeidenberg@afslaw.com) | DIRECT 202.857.6139

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**From:** Zeidenberg, Peter

**Sent:** Monday, April 7, 2025 3:24:50 PM

**To:** [daniel.riedl@usdoj.gov](mailto:daniel.riedl@usdoj.gov) <[daniel.riedl@usdoj.gov](mailto:daniel.riedl@usdoj.gov)>

**Cc:** [Brian.Deckert@usdoj.gov](mailto:Brian.Deckert@usdoj.gov) <[Brian.Deckert@usdoj.gov](mailto:Brian.Deckert@usdoj.gov)>; [candina.heath2@usdoj.gov](mailto:candina.heath2@usdoj.gov) <[candina.heath2@usdoj.gov](mailto:candina.heath2@usdoj.gov)>;

Vora, Apeksha <[apeksha.vora@afslaw.com](mailto:apeksha.vora@afslaw.com)>

**Subject:** U.S. v. Davis Lu

Dan,

We are new counsel on behalf of Davis Lu. I would like to file the attached Motion for Scheduling Order, indicating a date of 5/12 for post-trial motions. Can you let us know if you have any objections? I was imagining that you would like two weeks for any opposition, and then propose one week for a reply, if any. Let us know what your think.

Thank you,

Peter



**ArentFox  
Schiff**

**Peter Zeidenberg**

PARTNER | **ARENTFOX SCHIFF LLP**

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